



TFW

Commissioner for Patents,
US DEPARTMENT OF COMMERCE
US Patent and Trademark Office,
P.O. Box. 1450
Alexandria, Virginia 22313-1450

Re: Response to US PTO Communication date mailed: 10/11/06,
and all previous communications, Application for US
Patent, No. 10/672,567, Filing date: 09/29/03, Art Unit: 3611,
Conformation No. 8833.

February 9, 2007

Honorable Commissioner for Patents,

The Inventor, Gersh Korsinsky, respectfully request using Administrative Power for withdrawal of the final rejections and overturn of the final decisions of the PTO Regarding My Inventions, because this is not appealable matters, by reasons follows:

Clause 8 . The Congress shall have Power*** To promote the Progress of Science and useful Arts, by securing for limited Times Authors and Inventors the exclusive Right to their respective Writings and Discoveries.

This Clause protects Authors and Inventors only. So, patent owners or investors are constitutional not protected.

Because PTO absolutely not responsible of the quality or enforceability of inventions, and absolutely not assistant inventors, and the government absolutely not contribute to the creation of the invention, therefore, an invention absolutely is an intellectual private property matters, and more, charges substantial money for imposed requirements, other than simple search prior of the inventors respective Writings and Discoveries describing arts.

Therefore, an inventor is must be protected and treated, under His Constitutional Right as a private owner of His Intellectual Property, including Free of Speech, as a Discover of the His invention means, and as Author of the His respective Writing of his discovery means and as Author of His arts, etc.

Therefore, after invention published, any requirements other than clean priority that grounds for not issue patents are matters of the automatic confiscation intellectual private property by PTO officer, even not requires any exponent reasons that supports the PTO actions, including examining procedure, and keeping fees paid to PTO, which raising multiple constitution, federal and common laws questions..

PTO designed traps, which overcoming requires from the inventor's qualification to be experienced professional in special field full time occupied lawyer, professional writer, professional expert in language, science and terminology interpretation, full time occupied inventor, have commercial skill, experience and investment materially and timing resources, have money resources for paying PTO substantial fees, etc., for promote the progress of science and useful arts by confiscation intellectual private property (by confiscation invention) are activity is blatant in its intent and pernicious in its effect are must be considered inherently anti-securing to inventors the exclusive Right to their respective Writings and Discoveries, which constitutional securing, and injurious to the public without any need to determine if the PTO activities has actually injured promote the Progress of Science and useful Arts.

PTO Patterns of processing of application for a patent as follows:

First Office action is rejecting the claims by a standard simple statement for lack of adequate written description, objected the specification and drawings with referring to 35 USC and MPEP, advised to PTO approved lawyers. Without description presumed to be adequate as filed, even, not presented any reasonable and sufficient evidence or reasoning to the contrary, to rebut the presumption as basis to challenge the adequacy of the written description. Which, the examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims.

Second Office action is rejecting the claim by a standard simple statement such as "Applicant presented new matters where claim is supported, nor does there appear to be a written description as filed."; After invention was making public.

Next Office actions repeating rejection upon reply by applicant for lack of written prescription, without review the basis for the rejections in view of the record as a whole including arguments and any submitted by applicant;

Language in description of the inventions reasonably capable of being understood in more than one sense subjected to more than one interpretation without ambiguity exists and can be cleared up by extrinsic evidence. Language words without their signification seems doubtful and uncertain to examiners to understand them. Examiner's statement was not supported by providing evidence. Latent of language is to be distinguished unintelligibility and inaccuracy when language does not include uncertainty arising from the

use of peculiar words, or of common words in a peculiar sense. Language is not appears on the face of the instrument, and not arises from the defective, obscure, or insensible language used.

Language in description of the inventions was constitutionally protected as freedom of expression of writings and discoveries from interfering of imposed laws, rules, conditions and policies, and more, requires professional legal assistance.

Description of the inventions was constitutionally protected as freedom of expression of writings and discoveries, and as intellectual personal property from making public, then later under imposed laws, rules, conditions, policies, substantial fees charges and traps schedules paying, and more, requires professional legal assistance; and preventing any future protections.

Useful arts which is a creativeness effort to produce a lawful physical effects was constitutional protected as freedom of expressions of writings and discoveries which is intellectual personal property, and more, requires costly professional services from interfering of imposed laws, rules, conditions, substantial fees charges.

Description of the inventions was constitutional protected as freedom of expression of writings and discoveries; and intellectual personal property from claims, which is a matter of substantial fees charges for each claim; and claims drafting requires very costly legal professional service, define the invention; any feature of an invention not stated in the claim is beyond the scope of patent protection.

The inventions performs at least some functions that is of benefit to society was constitutional protected as "Useful Arts" which as substantial utility that the basic quid pro quo contemplated by the Constitution, and the benefit derived by the public from inventions, which was complete ignored.

The inventions prior jeopardy by examiners was.

Quid pro quo between the government and inventor to making public invention disclosure and charging substantial fees under numbers named charges, and which Constitutional renders it valid and binding was ignored.

The imposed "non obvious" standard for determine of patentability issue of prior art by the level of ordinary skill in the pertinent art was prevented file applications for pioneer inventions or requires filing separate a large number of applications for patents which is cost-prohibitive for a ordinary creative persons, and vulnerable to assumption of risk infringement and obtain a valid patent, by minor engineering modification.

Quid pro quo between the government and inventor to imposing conditions, other than limited period of the exclusive rights to inventor upon expiration of the period originally specified, and charging substantial fees for securing of the exclusive rights to

the inventors, and which Constitutional renders it valid and binding was ignored.

Quid pro quo between government and inventor to imposing conditions of the processing application after making public of the inventions, including substantial fees charges, and which Constitutional renders it valid and binding was ignored.

Imposing conditions of the processing application, including substantial fees charges, after making public of the inventions, prevents obtaining a patent, is a matter of the confiscation of the intellectual personal property.

Imposing substantial fees charges and conditions and requirements for processing application and patents maintenance which requires professional legal services, time, large money sources, etc. limits the creativeness activities by the number and the qualities, which is not can satisfy of the constitutional requirements.

Processing application for a patent under standard "non higher" ingenuity than the work of a mechanic skilled in the art is a matter of the arts ingenuity values decreasing commercialize.

Imposing conditions of the processing applications, including requirement substantial fees charges and trap schedule paying, causes loss of patentability of an invention by abandoning of the application for a patent, then using "non- more ingenuity" than the work of a mechanic skilled art standard to obtain a patent by simple not creative modification by companies like Microsoft staff is blatant in its intent and pernicious in its effect and injurious to the public creativeness activities and future progress of science and useful arts .

Processing applications for a patent is blatant in its intent and pernicious in its commerce policies effect which injurious to the public creativeness activities and to promote progress of science and useful art.

Imposing of the Manual of Patent Examining Procedure (MPEP) which limits or take away of the exclusive rights to inventors subjected to ignoring Constitutional requirements is blatant in its intent and pernicious in its carry out the policy direction of the Secretary of Commerce in its effect has actually injured in encouraging invention by not rewarding creative persons for their innovations.

Establishment the US Patent and Trademark Office and separating copyrights office within the Department of Commerce is blatant in its intent and pernicious in its carry out the policy of the Secretary of Commerce in its effect, must be considered inherently in anti-encouraging invention by not rewarding creative persons for their innovations and injurious to the public.

Continuously increased numbers USPTO regulations or rules and amendments, subjected to the policy of the Secretary of Commerce, which must be followed before the USPTO, govern the examiners ,inventors and their attorneys and agents are blatant in its

in its intent and pernicious in its carry out the policy of limiting or take away inventions and keeping substantial fees charges and preventing court actions by inventors, must be considered inherently in anti-encouraging invention by not rewarding creative persons for their innovations and injurious to the public.

Director's and other USPTO official Orders, Notices and circulars or instructions giving examiners instructions, information, interpretations, and he like, and other information have been selected for the information of the public, advising what the USPTO will do under circumstances which requires full time professional involvement imposable for ordinary people which is traps an ordinary creative persons to loss inventions and substantial amount of investment are blatant in its intent and pernicious in its effect to carry out policy of limiting or take away inventions and keep substantial fees charges and preventing court actions by creative ordinary persons, must be considered inherently anti-encouraging invention by not rewarding creative ordinary persons for their innovations and injurious to the public.

91% of creative individual persons applications Decisions are not appellatively and very costly and requires professional legal assistant make appeal to the Board of Patent Appeals and Interferences cost- prohibitive worthless for ordinary creative persons is blatant in its intent and pernicious in its effect to carry out policy to limiting or take away inventions and keep substantial fees charges and preventing court actions by inventors, must be considered inherently anti-encouraging invention by not rewarding creative persons for their innovations and injurious to the public.

Imposed conditions processing applications for a patent and securing to inventors exclusive right are blatant in its intent and pernicious in its carry out of the Secretary of Commerce polices effect, which injurious to the public creativeness activities and future progress of science and useful arts.

Imposed conditions processing applications for a patent and securing right to inventors are blatant in its intent and pernicious in its carry out protection of the commercial activities from inventor's legal actions by legalization "infringement" by limiting or complete taking away securing to inventors under numbers designed traps, including requires substantial fees charges for securing rights to inventors effect, which future injurious public creativeness activities.

Congress passed statutes and approved Acts, other than limiting of the period upon the expiration of the period originally specified, which limiting or taking away Constitutional rights and protections to inventors may exceed of the Scope of the power which requires Constitutional test by Court.

Congress exceed the scope of its power by not vested by original Constitutional clause, which limited to the duration of the right granted to inventors, which authors also, to legal protect their writings and discoveries from patent infringement only, for promoting science and the useful arts. Patent infringements is natural defined the usefulness of the arts of an invention.

Because Constitutional only the writings and discoveries may be protected, the disclosure of an invention that defined of the invention must be in writing, which cannot be physical entity.

Therefore, Constitution uses the term "discovery" rather than "invention", a protection may granted for the discovery of a hitherto unknown phenomenon of nature as long be disclosed in writing

Because, the written disclosure of a discovery of a unknown phenomenon is contained progress which its progress must be the central purpose of the Constitutional requirements.

Therefore, Constitutional protect-able invention is a mental achievement for an idea that useful physical form be taken in writing.

Therefore, Constitutional uses the terms "discovery" and useful arts for limiting the low level of the standard of the requirements for be protected to satisfy of the constitutional requirements "to promote the progress of science and useful arts..."

Therefore, Court has held that an invention must display "more ingenuity ... than the work of a mechanic skilled in the art", which Congress despite the facts.

Therefore, lowering patentable standard level of an invention is despites the facts that the Congress may exceed its power to lowering of the quality to promote the progress science and useful arts, which is central purpose of the Constitutional protection right to inventors.

Congress Acts of 1952 required an innovation be of a "non-obvious" nature which is alteration of the standard of patentability was perceived as overruling previous Supreme Court cases requiring perhaps a higher for obtain a patent

The only US Court of appeals defined exclusively by its jurisdiction rather than geographical boundaries authorized to uniform rulings in related to patents, commerce and trade cases; and to exclusively qualify Attorneys and Counselors for admission to the Bar of this Court and before USPTO caused a closed inner circle allowing Congress to exceed the scope of the Power of the approved USPTO activities with preventing to become public widely known; caused some blatant type nature in its intent and pernicious in its effect to limiting or take away Constitutional protected exclusive right to inventors ignoring Constitutional requirements, must be considered inherently anti-encouraging invention by not rewarding creative ordinary persons for their innovations and causing loss of their investments including substantial fees charges paid to USPTO, efforts, time etc. ; which is future injured creative persons activities.

Because exclusive rights of inventors constitutional protected, the Court, not government officer, obligation to enforce upon limited times originally established by

Congress as is a common enforcement. Because, an invention is not some owned granted to an individual, therefore, a patent right for an invention which for enforcing exclusive rights cannot be applied legal nature from other types patents, such Land patents or Mining patents by which the government grants public land or property or some privilege of public domain to an individual with conditions.

And Constitutional Standard for patentability and invention infringement matters must be by Court for clarity weighing.

The Constitutional clause is the foundation upon the national patent laws rest, although Acts of the Congress it uses neither of those terms, despite the meanings, the significance and the importance. So, Court must review of the constitutionality of the legislation activities.

Because an invention is a self created private intellectual property of a mental achievement of a combination of arts, discoveries and writings, the right, granted to inventors, are combined authors and inventors rights requires for legal protection them against invention infringement, which are subjected to legal matters enforcement against invention infringement, therefore, judicial decision only must enforce by using and defining of the legal complicated terms of laws rest; and purpose of legislation power may not exceed power limited to duration of the period originally specified of the right granted for carry out promote the progress of science and useful arts only; and purpose of the executive power may not exceed power limited to invention legal recording only.

The patentability and the scope and content of the prior art of the discovery of the Invention constitutionally protected as freedom of expression of writings, discoveries and arts from imposed "obvious" standard, the differences between the prior art and the claims at issue and the top limited level of the creativeness by the level of ordinary skill in the pertinent art, contains "high obvious danger" and "high obvious risk" to lost of the invention in processing of the application for a patent

The patentability and the scope and content of the prior of the discovery under Patent Act requires that an innovation be of a "non-obvious nature" without established and defining of the requirements to the recognizing of the standards of the each of the pertinent arts, and skill and experience of a person having ordinary skill and experience in the pertinent and actually without his review and without providing any report for challenging by inventors, contains "high obvious danger" and "high obvious risk" to lost of the invention in processing of the application for a patent.

Numerous traps from imposed conditions laws, regulations, policies, substantial fees charges, etc. making unpatented inventions during processing applications for a patent, including invention disclosure public, and imposing patent maintenance substantial fees charging during the patent life, as "efficient operation of the federal patent system upon substantially free trade in publicly known unpatented design

and utilitarian conceptions” inner-side the contemplation of the imposed patent scheme; when States are forbidden to do is to “offer protection to intellectual creations which would otherwise remain unprotected as a matter of federal law, and when state law “aimed directly at preventing the exploitation [unpatented] design is invalid as impinging on an area of pervasive federal regulation ; are blatant in its intent and pernicious in its effect must be considered inherently policy anti-encouraging inventions; which is unconstitutional, which unfair victimized inventors that cannot overcome of the imposed conditions; which requires substantial materially resources and professional legal costly services involvement, and which actually injured future promote progress of useful arts, and which are Constitutional goals.

Congressional requirements on patentability after the invention was making public, then, are conditions and tests that must fall within the constitutional standard which by constitutional command must ‘ promote the Progress of .. useful Arts” by encouraging invention by protecting creative persons of their respective writings and discoveries, however, the Court, rather than Congress, must test the satisfy of the Constitutional standard of the securing to inventors as authors also the exclusive right to their writing and discoveries..

The standard of patentability is a constitutional standard, and a the question of the validity of a patent is a question of law for secure protection to inventors exclusive right to their self created without any government contribution of a private intellectual property under general , special and common laws. The function of the Commissioner of PTO in issuing letters patent is deemed not to be quasi-judicial character. Hence an act granting a right of appeal from the Commission to the Court of Appeals which requires costly professional legal services cost-prohibitive for ordinary creative persons not Constitutional as conferring executive power upon a judicial body for high possible risk taking away private self.created intellectual property without any government contribution and without just compensation

A inventors right to their filed application for a patent of inventions, particular, after make disclosure of the invention public, however, be subjected, by bill in equity, to payment of a judgment debt of the inventors; or not disclosure invention must be returned to the inventors. *Ager v. Murray*, 105 US 126(1882).

Letters patent for a new invention or discovery in the arts confer upon the patentee an exclusive property in the patented invention which cannot be appropriated or used by the Government without just compensation.

James v. Campell, 104 US 356,358 (1882). *US v. Burna*, 79 US (12 Wall.)246,252 (1871); *Cammeyer v. Newton*, 94 US 225,234 (1877); *Hollister v. Benedict Manufacturing Co.*, 113 US 59,67 (1885); *US v. Palmer*, 128 US 262,271 (1888); *Balknap vCongress* under an existing patent, only can modify provided vested property rights that inventors has granted to others or reinvest in him rights of property that they had previously conveyed. *Bloomer v. Mcquewan*, 55US (How.)539,553(1852).

Because, the rights the present statutes confer are subjected to the antitrust laws, though it can hardly be. Shild, 161 US 10,16 (1896)

said that the cases in which the Court has endeavored to draw the line between the right claimable by inventors and the kind of monopolistic privileges which are forbidden by those acts exhibit entire consistency in their holdings.

Motion Picture Co. v. Universal Film Co. 243 US 502 (1917); Morton Salt Co. v. Suppiger Co., 314 US 488(1942); US v. Masonite Corp. , 316 Us 265(1942); US v. New Wrinkle , Inc, 842 US 371 (1952); Walker Process Equip. ,Inc. v. Food Mach. & Chem. Corp. , 382 US 172 (1965).

Congress may exceed power by ignoring Constitutional requirements “to promote the Progress of Science and useful Arts...” by refusing in encouraging invention by rewording, even victimizing, creative persons under imposed conditions policies and laws.

Congress may exceed power by forbidding protection right to creative persons for their innovations, which was applied for a patent, which processing application for a patent under imposed conditions, including not timely paid substantial fees charges or penalties, etc, recognized invention not patentable, by outside of federal patent scheme, which are “necessary to promote arts” as an intentional ignoring of the Constitutional requirements.

Dated: February 9, 2007
Brooklyn, New York

Respectfully submitted,

Gersh Korsinsky,
Inventor- Applicant-Prose

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UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 13 2007

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,567	09/29/2003	Gersh Korsinsky		8833

7590 10/11/2006
GERSH KORSINSKY
1236 49th STREET, APARTMENT 4B
BROOKLYN, NY 11219

EXAMINER

HOGE, GARY CHAPMAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary



Application No. 10/672,567	Applicant(s) KORSINSKY ET AL.	
Examiner Gary C. Hoge	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The application is not written in proper idiomatic English and is replete with grammatical errors. Because Applicant has asked for examples of what is not understood, consider the first sentence, which reads, "The present invention is related to religious articles, and/or historical articles, and/or memorial articles, and/or gift, etc. And more specifically to antiqueness and coins that qualified as a holy or historical values articles which were used them in religious ceremonies." In this sentence, "gift" should be "gifts." "And" either should not be capitalized, or the clause should be made into a separate sentence. The phrase "qualified as a holy or historical values articles" is not a proper idiomatic English phrase, and it is not understood. Finally, "them" should be deleted. The rest of the specification is equally defective. More importantly, under the heading "DETAILED DESCRIPTIONS OF PREFERRED EMBODIMENTS," a phrase like "designing denomination, produce consummate copies and contributed alteration and other etc." is not a proper English construction, and as such is not understandable. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

2. The amendment filed July 19, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not

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supported by the original disclosure includes: In the description of Fig. 1., the originally filed specification mentions nothing about “improving the valuelessness of the original” or “correcting the value damage of the original.” The rest of the new specification should be carefully compared with the original specification to ensure that new matter is not presented.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims appear to be merely a list of the definitions of words. They do not define an invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by “1705 Queen Anne Crown”.

“1705 Queen Anne Crown” discloses a copy of a coin in which the denomination (i.e., one crown) is maintained, but the coin is identified as a reproduction (i.e., by featuring the word “copy”).

Response to Amendment

6. The amendment to the specification does not comply with 37 CFR § 1.121(b), which states, "Amendments to the specification, other than the claims . . . must be made by adding, deleting or replacing a paragraph, by replacing a section, or by a substitute specification, in the manner specified in this section." Applicant appears to be attempting to file a substitute specification. 37 CFR §1.121(b)(3) states, "The specification, other than the claims, may also be amended by submitting: (i) An instruction to replace the specification; and (ii) A substitute specification in compliance with §§ 1.125(b) and (c)." 37 CFR §1.125(b) and (c) states, "Subject to §1.312, a substitute specification, excluding the claims, may be filed at any time up to payment of the issue fee if it is accompanied by a statement that the substitute specification includes no new matter. A substitute specification submitted under this section must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) must also be supplied.

Response to Arguments

7. Applicant's arguments filed July 19, 2006 have been fully considered but they are not persuasive.

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Applicants' arguments with respect to "1705 Queen Anne Crown" are not comprehensible, because they are not written in coherent English. Because Applicant has asked the Examiner to give examples of what is not understood, consider the sentence: "'1705 Queen Anne Crown' discloses a simple copy of the crown only without any make a change in; to modify; to vary in any same degree; to change any some of the elements or details, with destroying the identity of the thing affected or with substituting an entirely new thing by the word 'copy' means identity only, which not subject matters of alteration of the present invention." This is a run-on sentence, and its point is not understood. For example, it is not understood why the phrase "to modify; to vary . . ." etc. is inserted after "without any make a change in" (which itself is not a coherent English phrase). Further, it is not understood what is meant by the phrase "with destroying the identity of the thing affected." Further, the phrase, "with substituting an entirely new thing by the word 'copy' means identity only" is not a coherently English phrase, and its meaning is not understood. Finally, the meaning of the phrase, "which is not subject matters of alteration of the present invention" is not understood.

If Applicants feel that the reference does not anticipate the claims, as set forth above, Applicants should submit, in proper idiomatic English, an argument under the heading "Remarks" pointing out disagreements with the examiner's contentions. Applicant must discuss the reference applied against the claims, explaining specifically how the claims avoid the reference or distinguish from it, that is, pointing out which claim limitations are not disclosed by the reference.

Conclusion

8. This action is a **final rejection** and is intended to close the prosecution of this application. Applicant's reply under 37 CFR 1.113 to this action is limited either to an appeal to the Board of Patent Appeals and Interferences or to an amendment complying with the requirements set forth above.

If applicant should desire to appeal any rejection made by the examiner, a Notice of Appeal must be filed within the period for reply identifying the rejected claim or claims appealed. The Notice of Appeal must be accompanied by the required appeal fee of \$250.

If applicant should desire to file an amendment, entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier. Amendments touching the merits of the application which otherwise might not be proper may be admitted upon a showing a good and sufficient reasons why they are necessary and why they were not presented earlier.

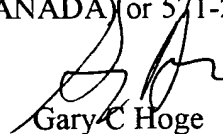
A reply under 37 CFR 1.113 to a final rejection must include the appeal from, or cancellation of, each rejected claim. The filing of an amendment after final rejection, whether or not it is entered, does not stop the running of the statutory period for reply to the final rejection unless the examiner holds the claims to be in condition for allowance. Accordingly, if a Notice of Appeal has not been filed properly within the period for reply, or any extension of this period obtained under either 37 CFR 1.136(a) or (b), the application will become abandoned.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Hoge whose telephone number is (571) 272-6645. The examiner can normally be reached on 5-4-9.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Gary C Hoge
Primary Examiner
Art Unit 3611

gch